

CITY OF ALAMEDA
HISTORICAL ADVISORY BOARD
DRAFT RESOLUTION

A RESOLUTION OF THE HISTORICAL ADVISORY BOARD OF THE CITY OF ALAMEDA GRANTING A CERTIFICATE OF APPROVAL, PLN11-0140, FOR THE DEMOLITION OF MORE THAN THIRTY PERCENT (30%) OF THE VALUE OF A RESIDENCE BUILT PRIOR TO 1942, LOCATED AT 1350 & 1352 BROADWAY.

WHEREAS, the applicant applied for a Certificate of Approval, PLN11-0140, which involves demolition of rear additions, interior walls and portions of the roof and exterior walls built before 1942 and located at 1350 & 1352 Broadway; and

WHEREAS, the application was deemed complete on May 4, 2011; and

WHEREAS, the General Plan designation of the site is Low Density Residential; and

WHEREAS, the parcel is located within the R-4 Neighborhood Residential District; and

WHEREAS, the proposed project is Categorically Exempt from additional environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines, Section 15301(l)(1) – Existing Facilities – Demolition of residential structures; and

WHEREAS, on June 2, 2011 the Board reviewed the application including exhibits and documents and has made the following findings:

1. The original, historic structure built in 1870 is not being demolished.
2. The additions to be demolished do not represent the work of a master or possess high artistic values. Review of City resources indicates that the additions were not the work of a master.
3. There are no events associated with this property that make a significant contribution to the history or cultural heritage of local or regional history. The building is listed on the Historical Building Study List as a 'H' resource, the lowest status on the List. Review of City records and historic resources publications have not provided any additional information that suggests that this structure has historical and cultural merit.
4. The property is not associated with persons important to local, state or national history. Staff was unable to find any records that define the property as containing historical and cultural merit (also see findings 1 & 2 above).

THEREFORE, BE IT RESOLVED that the Historical Advisory Board approves the demolition of additions at 1350/1352 Broadway and issues a certificate of Approval subject to the following conditions:

- (1) This Certificate of Approval shall expire three (3) years after the date of approval or by June 2, 2014, unless demolition has begun under valid City permits prior to the date of expiration.
- (2) The plans submitted for demolition shall be in substantial compliance with plans prepared by Matt Lovering, received on April 25, 2011 and on file in the office of the City of Alameda Community Development Department.
- (3) HOLD HARMLESS. The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, its Redevelopment Agency, the Alameda City Historical Advisory Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda Redevelopment Agency, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Planning and Building Department, Alameda City Planning Board, the City of Alameda Redevelopment Agency or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

The decision of the Historical Advisory Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by Notice of Appeal stating the appellant claims that either the Board's decision is not supported by its findings or its findings are not supported by the evidence in the record.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90-day appeal period, in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has begun. If the applicant fails to file a protest within this 90-day period complying with all requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.
